IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 11571 of 2004

Between:

Hindustan Fishermen Welfare Association, Turangi, Kakinada, Kakinada Rural Mandal, East Godavari District rep. by its President B. Prasanna Kumar, S/o B.Babjee, aged 32 years, Business, R/o Door No.5-195, Ravindra Nagar, Turangi, Kakinada, East Godavari District

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep.by Prl.Secretary, Roads &

Buildings, Hyderabad
2 The Commissioner of Ports, Government of Andhra Pradesh,

Kakinada, East Godavari District
3 The District Collector, East Godavari District, Kakinada

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proposed action of the respondents in permitting ship breaking units at Kakinada Port area along the sea coast as illegal, arbitrary, capricious and unwarranted in the interests of protecting the environment and maintaining the ecological balance and consequently to direct the respondents not to grant any permission or license to any person or authority for establishing ship breaking units along the sea coast of Kakinada.

Counsel for the Petitioner : SMT.N.(P).ANJANA DEVI, Advocate.
Counsel for the Respondent Nos.1 & 3 : ----------
Counsel for the Respondent No.2 : MR.K. SRINIVASA MURTHY, Advocate

The Court at the admission stage made the following :

ORDER:

This writ petition is filed to declare the proposed action of the respondents in permitting ship breaking units at Kakinada port along the sea coast as illegal, arbitrary and consequently to direct the respondents not to grant any permission or licence to anybody for establishing the same.

The petitioner alleges that the respondents proposed to allow setting up of large scale ship breaking units at Kakinada along the sea coast, which if allowed, would, on the one hand cause environmental problems polluting sea water, surrounding air and deteriorating sea products due to the chemicals and materials used in the process of ship breaking, and on the other affect their livelihood of fishing. Despite the petitioner making several representations to the respondents to stop setting up of the said units, the respondents have not taken any action in the matter. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Counsel for the second respondent.

Though the petitioner contended that there is a proposal for establishing ship breaking units at Kakinada sea-coast, no material has been placed before this Court in support thereof. With frivolous contention, the petitioner filed this writ petition on imaginary grounds.

Therefore, the writ petition is dismissed with costs of Rs.1,000/- (Rupees One thousand only).

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N.V.RAMANA, J

08th July, 2004.

YS/ SVV

MEMORANDUM OF COSTS

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As fixed by the Court … Rs.1,000=00

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To be paid by the petitioner

to the respondents Rs.1,000=00

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ASSISTANT REGISTRAR

To

1 The Principal Secretary, Government of Andhra Pradesh, Roads &

Buildings, Hyderabad
2 The Commissioner of Ports, Government of Andhra Pradesh,

Kakinada, East Godavari District
3 The District Collector, East Godavari District, Kakinada

4 Two CD copies.